

Appl. No. 10/554,709  
Reply to Office Action of October 2, 2008  
Amendment dated January 7, 2009

## ***REMARKS***

In the October 2, 2008 Office Action, the specification was objected to and claims 1-26 were rejected as being indefinite for failing particularly to point out and to claim distinctly the subject matter that Applicant regards as the invention. Claims 1-26 also stand rejected in view of the prior art. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the October 2, 2008 Office Action, Applicant has amended claims 1-5, 7-9, 14-18, and 20-24 and added new claims 27-52 as indicated above. Thus, claims 1-52 are pending, with claims 1, 14, 27, and 40 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Specification***

On page 2 of the Office Action, the specification was objected to because of informalities. Specifically, the Office Action mentions that the term “claim” is used in the specification.

Applicant respectfully asserts that a substitute specification, which deleted those terms, was filed on October 27, 2005.

Withdrawal of the objections is respectfully requested.

### ***Claim Rejections - 35 U.S.C. §112***

On pages 2-4 of the Office Action, claims 1-26 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended claims 1-5, 7-9, 14-18, and 20-24 to point out and to claim particularly and distinctly the subject matter which applicant regards as the invention.

Specifically, Applicant has amended claims 1-5, 7-9, 14-18, and 20-24 to recite a “paint” material instead of a “paint-like” material. Also, Applicant has amended claims 1 and 4 to recite “plate” substrate instead of “plate-like” substrate.

Further, with regards to the rejections to claims 3 and 16, Applicant respectfully asserts that those claims are now definite since the structure and the composition of the paint material are now recited in independent claims 1 and 14, from which claims 3 and 16 depend respectively.

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Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph.

Withdrawal of the rejections is respectfully requested.

***Rejections - 35 U.S.C. § 102***

On page 4 of the Office Action, claim 1 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kawasaki (U.S. Patent Application Publication No. 2005/0103481, hereinafter “Kawasaki”) and on pages 5-6 of the Office Action, claim 1, 2, 12-15, 25, and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kamiya (JP 08-269367, hereinafter “Kamiya”). In response, Applicant has amended independent claims 1 and 14 to define the present invention over the prior art of record. Also in response, Applicant respectfully traverses the rejection of claim 1 particularly in light of the following comments.

Applicant respectfully asserts that the Kawasaki publication was published after the October 5, 2004 international filing date of the present application, and could only qualify as prior art under 35 U.S.C. §102(e). Applicants respectfully assert, however, that the Kawasaki publication does not qualify as prior art under 35 U.S.C. §102(e) because the Kawasaki publication is based on the national stage of an international application filed after November 29, 2000, specifically March 24, 2003 which was published as WO 03/085349 A1 in Japanese under PCT Article 21(2). MPEP 706.02(f)(1)II Example 5 (page 700-34 of MPEP) clearly states “[a]ll references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have **no 35 U.S.C. 102(e) prior art date at all**” (emphasis added). A copy of the search result for the Kawasaki publication showing that it was published in Japanese was downloaded from the WIPO website on January 7, 2009 and is being submitted herewith as Exhibit A for the Examiner’s convenience. Accordingly, Applicant respectfully asserts that the Kawasaki publication has **no** 35 U.S.C. §102(e) date, and thus, does not qualify as prior art for the present application. Accordingly, withdrawal of this rejection is respectfully requested.

Independent claims 1 and 14 have been amended to recite that ***the paint material includes a multi-component resin as a coating film component.*** Applicant respectfully asserts that this structure is **not** disclosed or suggested by Kamiya or any other prior art of record.

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More specifically, Kamiya merely discloses an aluminum plate with a coating which has hydrophobic nature, and the aluminum plate is used for a heat exchanger and/or radiation fin. Applicant respectfully asserts that Kamiya *fails* to disclose or suggest the components of the paint material as set forth in independent claims 1 and 14 by current amendment.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1 and 14, as now amended, are not anticipated by the prior art of record.

Moreover, Applicant believes that the dependent claims 2, 12, 13, 15, 25 and 26 are also allowable over the prior art of record in that they depend from independent claim 1 or 14, and therefore are allowable for the reasons stated above. Also, the dependent claims 2, 12, 13, 15, 25 and 26 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 1 and 14, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

***Rejections - 35 U.S.C. § 103***

On pages 6-7 of the Office Action, claims 3, 7, 16, 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya. On pages 7-8 of the Office Action, claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki in view of Mizutani (U.S. Patent No. 6,013,724, hereinafter “Mizutani”). On pages 8-9 of the Office Action, claims 4-6 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya in view of Mizutani. On pages 9-10 of the Office Action, claims 8-11 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya in view of Lever (U.S. Patent No. 5,079,087, hereinafter “Lever”). In response, Applicant has amended independent claims 1 and 14 as mentioned above. Also, Applicant respectfully traverses the rejections of claims 4 and 5 based on Kawasaki for the following reasons in addition to the aforementioned assertion that states Kawasaki does not qualify as a prior art for the present application.

First, the subject application was filed after November 29, 1999. Second, the present application and the Kawasaki publication were commonly owned at the time the present

invention was made. Thus, prior art that was commonly owned and based on 35 U.S.C. §102 (e) is now disqualified as prior art against the claimed invention under 35 U.S.C. §103.

***Statement Concerning Common Ownership***

Application No. 10/554,709 and the Kawasaki publication (U.S. Patent Application Publication No. 2005/0103481) were, at the time the invention of Application No. 10/554,709 was made, owned by, or subject to an obligation of assignment to DAIKIN INDUSTRIES, LTD.

Since the Kawasaki publication is *disqualified* as prior art, withdrawal of these rejections is respectfully requested.

Independent claims 1 and 14 have been amended to recite that *the paint material includes a multi-component resin as a coating film component*. Applicant respectfully asserts that this arrangement is *not* disclosed or suggested by the Kamiya, Mizutani, Lever, patent or any other prior art of record for the reasons stated above. Thus, Applicant believes that the dependent claims 3-11, 16, 17-19, and 20-23 are allowable over the prior art of record in that they depend from independent claims 1 or 14, and therefore are allowable for the reasons stated above. Also, the dependent claims 3-11, 16, 17-19, and 20-23 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 1 and 14, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

It is well settled in U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some “apparent reason to combine the known elements in the fashion claimed.” Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicant’s unique arrangement of the plate material and the manufacturing method thereof.

Applicant respectfully requests withdrawal of the rejections.

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***New Claims 27-52***

Applicant has added claims 27-52 by the current Amendment. Applicant respectfully asserts that independent claims 27 and 40 that recite a plate substrate being free of protrusions and depressions of submicron order oriented in a thickness direction thereof, a substrate coating formed on a surface of the substrate with a paint material having affinity with respect to the substrate, and the paint material including a dual component resin as a coating film component, and manufacturing method thereof, are allowable over the prior art of record for the same or similar reasons that the independent claims 1 and 14 are also believed to be allowable. Applicant respectfully asserts that dependent claims 28-39 and 41-52 are believed to be allowable because they depend from independent claims 27 and 40 respectively. Also, the dependent claim 28-39 and 41-52 are further allowable because they include additional limitations.

***Conclusion***

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-52 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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(12)特許協力条約に基づいて公開された国際出願

EXHIBIT A

(19) 世界知的所有権機関  
国際事務局



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(81) 指定国(国内): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

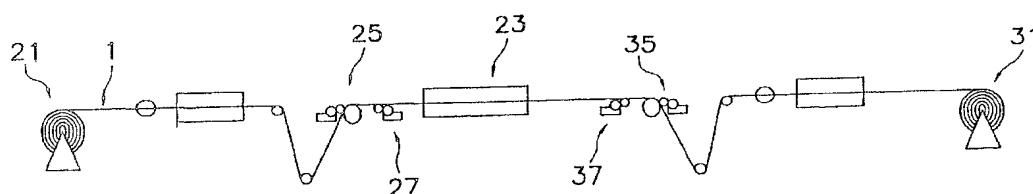
(84) 指定国(広域): ARIPO 特許 (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), ユーラシア特許 (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), ヨーロッパ特許 (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI 特許 (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

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— 國際調査報告書

2文字コード及び他の略語については、定期発行される各PCTガゼットの巻頭に掲載されている「コードと略語のガイドスノート」を参照。

(54) Title: SURFACE TREATMENT METHOD FOR PLATE MATERIAL, AND RADIATING FIN FOR HEAT EXCHANGER

(54) 発明の名称: プレート素材の表面処理方法及び熱交換器用放熱フィン



(57) Abstract: A surface treatment method for treating the surface of a plate material (1) formed by the rolling using rolling oil and used as the radiating fin (11) of a heat exchanger, comprising a preparation step for preparing the plate material (1) and a paint application step for applying paint onto the surface of the plate material (1) without applying a degreasing treatment thereto, whereby the cost of the equipment for the surface treatment of the plate material can be reduced.

(57) 要約: 本発明は、プレート素材の表面処理にかかる設備費用等を低減するようとする。この表面処理方法は、圧延用油を用いて圧延されてなり、熱交換器の放熱フィン(11)として用いられるプレート素材(1)の表面を処理するための方法であって、準備工程と、塗料塗布工程とを備えている。準備工程では、プレート素材(1)を準備する。塗料塗布工程では、プレート素材(1)の表面に、脱脂処理を施すことなく塗料を塗布する。

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